

IN RE: PETITION FOR ADMIN. VARIANCE  
S/S of Stonecastle Avenue, 30 ft. W  
centerline of Hohe Court  
4th Election District  
2nd Councilmanic District  
(315 Stonecastle Avenue)

Beth Elaine Tracey  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 05-129-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter was originally before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Beth Elaine Tracey. Thereafter, a formal demand for hearing was made by an adjacent property owner, and the matter was set in for a hearing. The variance request is for property located at 315 Stonecastle Avenue in the Reisterstown area of Baltimore County. The variance request is from Sections 400.1 and 427 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (swimming pool) to be located closest from the street in lieu of the third of the lot farthest removed from any street and to permit a fence with a height of 6 ft. in lieu of the required 42 in. that adjoins the front yard of another residence. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The property was posted with Notice of Hearing on September 18, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in the "Jeffersonian" newspaper on October 28, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

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11/29/04  
Ray

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comments was received from the Office of Planning dated September 30, 2004, a copy of which is attached hereto and made a part hereof.

#### Interested Persons

Appearing at the hearing on behalf of the variance request were Beth and Wayne Tracey Petitioners. Susan and Don Hagewiesche appeared in opposition to the requested variance. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 10,626 sq. ft. and is zoned D.R. 5.5. As shown on Petitioner's Exhibit No. 1, the Petitioners erected an above-ground swimming pool in their rear yard not realizing that they needed a permit to do so. This is a corner lot, which fronts on Stonecastle Avenue but has the cul-de-sac known as Hohe Court on the east side. Upon applying for the permit they found that they were required by the zoning regulations to have such accessory structures in the part of their

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Date 11/29/04  
By [Signature]

rear yard farthest from Hohe Court and Stonecastle Avenue. They are asking for a variance to allow the pool to remain where it is.

In addition, in order to protect the pool and ensure the safety of the neighborhood children, the Petitioners would like to erect a fence 72 inches high in lieu of the allowed 42 inches. This would also connect to the 72 inch high fence of the same design erected by the Protestants that runs from their home to the Petitioners' property line.

Because the electrical wires that bring power to the Petitioners' one-story home from the utility pole in the rear could be a danger should someone in the pool touch them, the Petitioners indicated that the pool was situated in the safest location in the rear yard. Considering this problem, they see no other safe place to locate the pool in the rear yard. The Protestants do not dispute the existing location of the pool.

However, the proposed fence is a problem for the Protestants, Susan and Don Hagewiesche, who live behind the Petitioners on Hohe Court. Again, see Petitioners' Exhibit 1. The Protestants point out that their front yard adjoins the Petitioners' back yard and they do not want a high fence placed on the property line between the residences because the fence would be only 13 feet from their home. The Protestants' lot is almost triangular and has a small front yard and large back yard. All agreed that they collectively paid a surveyor to define their respective properties and that the Protestants' property became even smaller in the front and larger in the back as a result of the survey.

The Protestants point out that the regulations require fences of the height the Petitioners propose to be 30 ft. from the common property line. This fence would be on the common property line. However, the parties then began to discuss a compromise that would suit both. Eventually, the Protestants suggested that if the fence could be erected along the line shown in Protestants' exhibits they would be satisfied. However, although the Petitioners agreed to this

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Date 11/29/04  
By [Signature]

line to erect the fence, the Petitioners were concerned about who would maintain the small area outside the fence but still on the Petitioners' property. The Protestants agreed to maintain this area with planting and cutting the grass. However, the Petitioners were now concerned that the small strip would someday become claimed by a future owner of the Protestants' house by adverse possession, since the fence and maintenance of the strip might indicate an open and notorious claim by a future owner. The Protestants indicated that this was not their intention and agreed to draft a document for recording in the Land Records of Baltimore County to that effect.

The parties agreed to keep the record of this case open for them to draft a document to be recorded in the Land Records, which would indicate that there could be no adverse possession of the strip in the future. The document was signed by the parties on November 23, 2004, a copy of which is included in the record of this case.

The Petitioners vigorously objected to the ZAC comment submitted by the Office of Planning. The Office of Planning suggests conditions which included the fence being set back 5 ft. from the Petitioners' property line along Hohe Court and that the strip be landscaped according to the County Landscape Architect's direction. The Petitioners felt that this was unnecessary, costly and would reduce the useable area of their rear yard. They indicated that there were many such fences in the neighborhood, none of which were landscaped. The Protestants who would be most affected by the comment did not indicate they felt this would be necessary.

#### Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The electrical wires could pose a danger to persons using the pool so the rear yard has limited areas in which to erect a pool. I also find that strict compliance with the regulations would result in a hardship and practical difficulty to the

Petitioners. Given the low slung electrical wires there is no other place to locate the pool in the portion of the rear yard which is farthest from both Hohe Court and Stonecastle Avenue. Everyone agrees that the fence should eventually be 72 inches high to tie in properly with the existing fence in the Protestants' side yard. The only question is whether the new fence should drop down in height as it passes into the front yard of the Protestants. As the Petitioners point out, a 42 inch fence is not a practical height to protect the pool from intruders. Finally, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The Protestants and Petitioners have agreed to a fence that is slightly setback from the common property line.

The neighbors most affected by the fence along Hohe Court did not indicate that this landscaping would be necessary because there are apparently several fences in the neighborhood without such landscaping. Therefore, I will not require such landscaping as suggested in the Office of Planning's comment dated September 30, 2004.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 29 day of November, 2004, that a variance from Sections 400.1 and 427 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (swimming pool) to be located closest from the street in lieu of the third of the lot farthest removed from any street and to permit a fence with a height of 6 ft. in lieu of the required 42 in. that adjoins the front yard of another residence, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The fence in the Petitioners' rear yard shall be erected on the line shown by Protestants' Exhibit 7 and not on the common property line between the Petitioners' and Protestants' properties.
3. The agreement between the parties dated November 23, 2004 is hereby incorporated into this Order.
4. When Applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
JOHN V. MURPHY  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

JVM:raj

RECEIVED FOR FILE  
11/29/04  
Ray

## Zoning Commissioner

Suite 405, County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204  
Tel: 410-887-3868 • Fax: 410-887-3468



## Baltimore County

*James T. Smith, Jr., County Executive*  
*William J. Wiseman III, Zoning Commissioner*

November 29, 2004

Ms. Beth Elaine Tracey  
315 Stonecastle Avenue  
Reisterstown, Maryland 21136

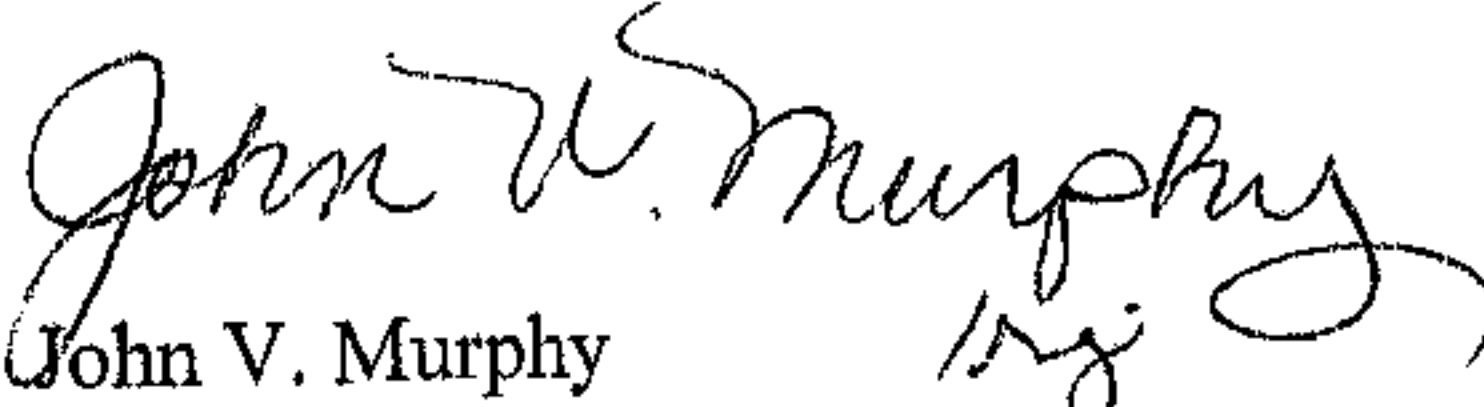
Re: Petition for Administrative Variance  
Case No. 05-129-A  
Property: 315 Stonecastle Avenue

Dear Ms. Tracey:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

  
John V. Murphy  
Deputy Zoning Commissioner

JVM:raj  
Enclosure

c: Susan & Don Hagewiesche  
4 Hohe Court  
Reisterstown, MD 21136

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 315 Stone Castle Avenue  
which is presently zoned DRS.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 AND 427 BCZR

To permit an accessory structure (swimming pool) to be located closest from the street in lieu of the required third of the lot farthest removed from any street. And to permit a fence with a height of 6' in lieu of the required 42" that adjoins the front yard of another residence.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

### Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

### Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11/29/01 day of Nov, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

### Legal Owner(s):

Beth Elaine Tracey

Name - Type or Print

Beth Elaine Tracey

Signature

Name - Type or Print

Signature

315 Stone Castle Avenue

Address

Reisterstown MD 21136

City

State

Zip Code

### Representative to be Contacted:

Same as above

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 05-127-A

Reviewed By JRF Date 9-8-04

Estimated Posting Date 9-19-04

REV 10/25/01

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

315 Stonecastle Avenue  
Address  
Reisterstown MD 21136  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- ① Shed would be outside of fence
- ② Fence would be up against the pool
- ③ Fence would not be the same height on all sides
- ④ pool would be right under utility lines

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Beth Elaine Tracey  
Signature

Beth Elaine Tracey  
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of September 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN E. PRATHER  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 09/01/07

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That the Affiant(s) does/do presently reside at 315 Stone Castle Avenue  
Address  
Reisterstown MD 21136  
City State Zip Code

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- ③ Fence would not be same height on all sides
- ④ Pool would be right under utility lines

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Beth Elaine Tracey  
Signature  
Beth Elaine Tracey  
Name - Type or Print

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of September, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN E. FRATHER  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

John E. Frather  
Notary Public  
My Commission Expires 09/01/07



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 315 Stone Castle Avenue  
which is presently zoned DR S.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 AND 427 BCZR

To permit an accessory structure (swimming pool) to be located closest from the street in lieu of the required third of the lot farthest removed from any street. And to permit a fence with a height of 6' in lieu of the required 42" that adjoins the front yard of another residence.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

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I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

### Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

### Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

### Legal Owner(s):

Beth Elaine Tracey

Name - Type or Print

Beth Elaine Tracey

Signature

Name - Type or Print

Signature

410-833-3823

Address

315 Stone Castle Avenue

Telephone No.

City

Reisterstown MD

State

Zip Code

### Representative to be Contacted:

Same as above

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 05-129-A

Reviewed By JRF

Date 7-8-04

REV 10/25/01

Estimated Posting Date

7-19-04

## EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - **DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"**. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 315 StoneCastle Avenue  
(address)

Beginning at a point on the South side of  
(north, south, east or west)

StoneCastle Avenue which is 50 ft.  
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 30 ft. West of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Holhe Court  
(name of street)

which is 50 ft. wide. \*Being Lot # 16  
(number of feet of right-of-way width)

Block A, Section # 3 in the subdivision of Suburbia  
(name of subdivision)

as recorded in Baltimore County Plat Book # 29, Folio # 58,

containing 10,626 ~~sq~~. Also known as 315 StoneCastle Ave  
(square feet or acres) (property address)

and located in the 4 Election District, 2nd Councilmanic District.

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_, Folio \_\_" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

#129

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 400677

DATE 9-8-04

ACCOUNT 001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM:

Bell Tracey

FOR:

315 Stone Castle Ave  
Admission - Various

ITEM # 129

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS ACTUAL TIME

9/08/2004 7/08/2004 00:00:00

ISSUED BY: WALKER, WENDY

RECEIVED BY: 9/08/2004

DEPT: 1-528 ZIMMERMAN VERIFICATION

BY: WALKER

Amount Paid: \$65.00

\$65.00 FX 1.00 CA

Baltimore County, Maryland

**NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #05-129-A

315 Stonecastle Avenue

S/West corner of Stonecastle Road and Hope Court

4th Election District - 2nd Councilmanic District

Legal Owner(s): Beth Elaine Tracéy

**Administrative Variance:** to permit an accessory structure (swimming pool) to be located closest from the street in lieu of the required third of the lot farthest removed from any street and to permit a fence with a height of 6 feet in lieu of the required 42 inches that adjoins the front yard of another residence.

Hearing: Monday, November 15, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.  
10/337 October 28 27529

**CERTIFICATE OF PUBLICATION**

10/28, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/28, 2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkins

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date September 22, 2004

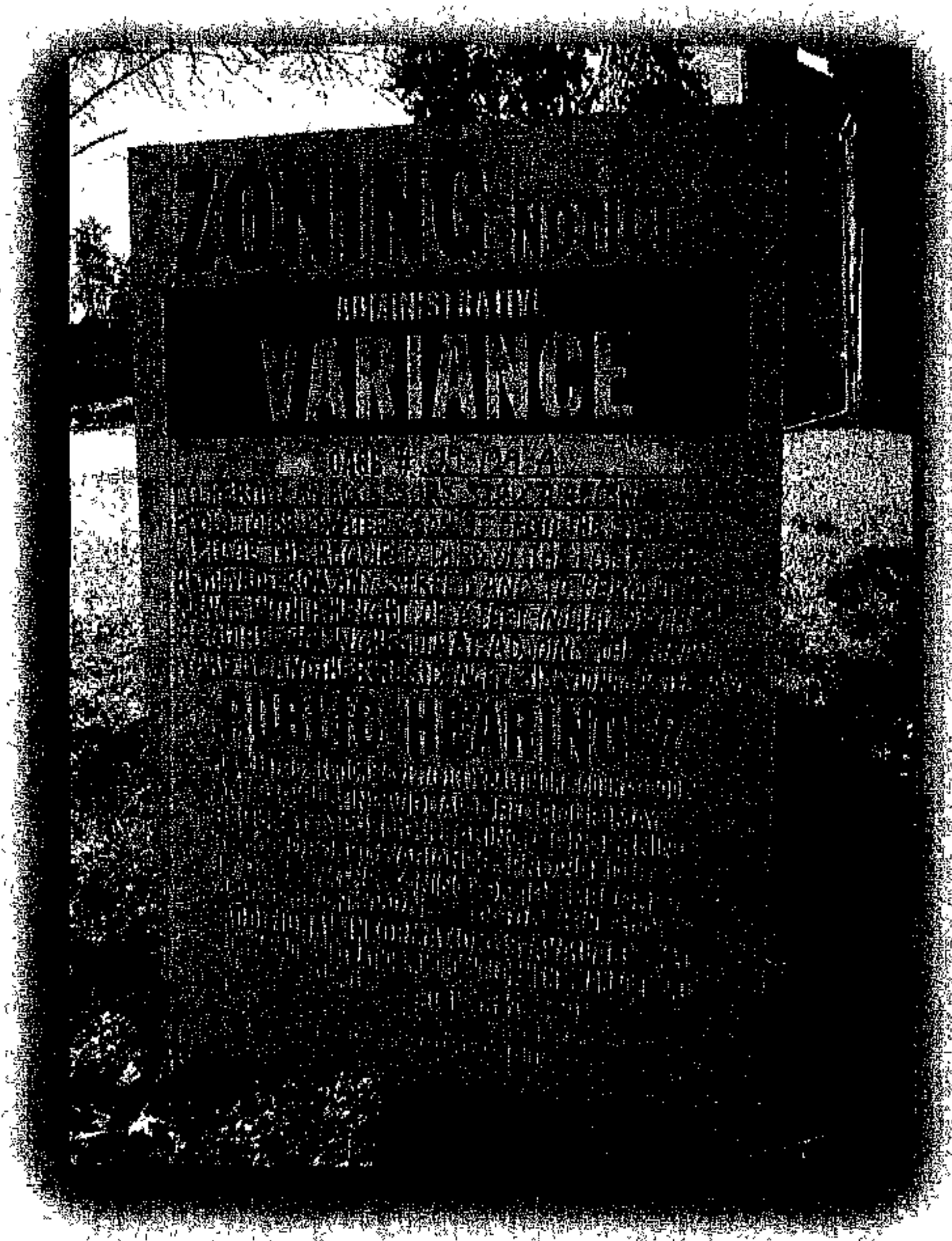
RE: Case Number 05-129-A

Petitioner/Developer BETH ELAINE TRACEY

Date of Hearing(Closing) October 4, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 315 STONECASTLE AVENUE

The sign(s) were posted on September 18, 2004



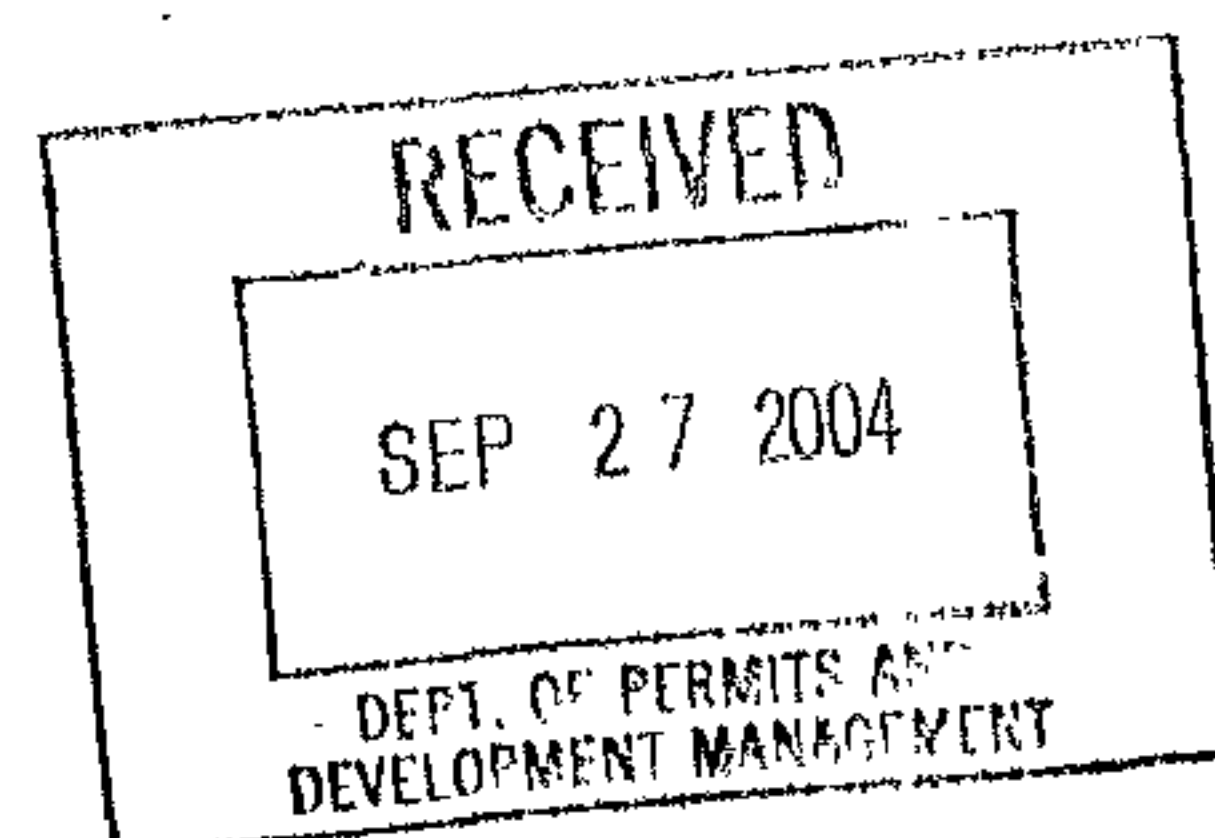
Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley Maryland 21030  
(City, State, Zip Code of Sign Poster)

410-666-5366  
(Telephone Number of Sign Poster)



**Department of Permits and  
Development Management**

Director's Office  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
Tel: 410-887-3353 • Fax: 410-887-5708



**Baltimore County**

*James T. Smith, Jr., County Executive  
Timothy M. Kotroco, Director*

*October 18, 2004*

**NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 05-129-A**

315 Stonecastle Avenue  
S/west corner of Stonecastle Road and Hohe Court  
4<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District  
Legal Owners: Beth Elaine Tracey

Administrative Variance to permit an accessory structure (swimming pool) to be located closest from the street in lieu of the required third of the lot farthest removed from any street and to permit a fence with a height of 6 feet in lieu of the required 42 inches that adjoins the front yard of another residence.

Hearing: Monday, November 15, 2004, at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Beth Elaine Tracey, 315 Stonecastle Avenue, Reisterstown 21136  
Don T. Hagewiesche, 4 Hohe Court, Reisterston 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 30, 2004.**  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)

TO: PATUXENT PUBLISHING COMPANY  
Thursday, October 28, 2004 Issue - Jeffersonian

Please forward billing to:

Catherine Burger  
111 W. Chesapeake Avenue  
Towson, MD 21204

410-887-3353

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## NOTICE OF ZONING HEARING

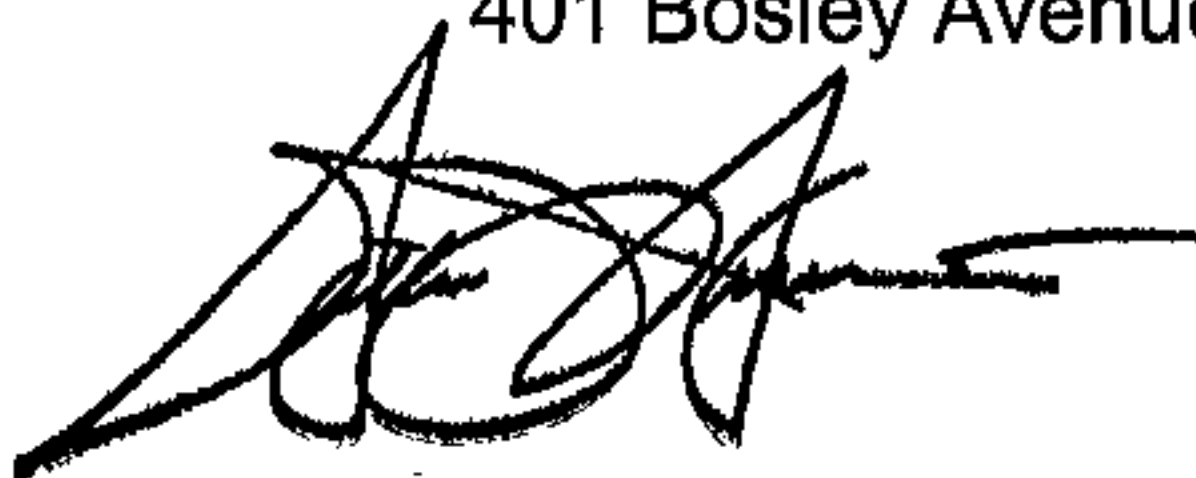
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Legal Owners: Beth Elaine Tracey

Administrative Variance to permit an accessory structure (swimming pool) to be located closest from the street in lieu of the required third of the lot farthest removed from any street and to permit a fence with a height of 6 feet in lieu of the required 42 inches that adjoins the front yard of another residence.

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401 Bosley Avenue, Towson 21204



William Wiseman  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 05- 129 -A

Address 315 Stonecastle Ave.

Contact Person: J. Fernando

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 9-8-04

Posting Date: 9-19-04

Closing Date: 10-4-04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

**Petitioner: This Part of the Form is for the Sign Poster Only**

**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 05- 129 -A

Address 315 Stonecastle Ave.

Petitioner's Name Beth Elaine Tracey

Telephone 410 - 833-3823

Posting Date: 9-19-04

Closing Date: 10-4-04

Wording for Sign: To Permit an accessory structure (swimming pool) to be located closest from the street in lieu of the required third of the lot farthest removed from any street. And to permit a fence with a height of 6' in lieu of the required 42" that adjoins the front yard of another residence.

WCR - Revised 6/25/04

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

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#### For Newspaper Advertising:

Item Number or Case Number 05-129-A

Petitioner: Beth Tracey

Address or Location: 315 Stonecastle Avenue

PLEASE FORWARD ADVERTISING BILL TO

Name: Beth Tracey

Address 315 Stonecastle Avenue  
Reisterstown MD 21136

Telephone Number: 410-833-3823

**Department of Permits and  
Development Management**

Director's Office  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
Tel: 410-887-3353 • Fax: 410-887-5708



**Baltimore County**

*James T. Smith, Jr., County Executive  
Timothy M. Kotroco, Director*

November 10, 2004

Beth Elaine Tracey  
315 Stonecastle Avenue  
Reisterstown, Maryland 21136

Dear Ms. Tracey:

RE: Case Number:05-129-A, 315 Stonecastle Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 8, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "W" and a prominent "J" at the end.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



**Department of Permits and  
Development Management**

Development Processing  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204



**Baltimore County**

*James T. Smith, Jr., County Executive  
Timothy M. Kotroco, Director*

October 4, 2004

Beth Elaine Tracey  
315 Stonecastle Avenue  
Reisterstown, Maryland 21136

Dear Ms. Tracey:

RE: Case Number:05-129-A, 315 Stonecastle Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 8, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



## Fire Department

700 East Joppa Road  
Towson, Maryland 21286-5500  
Tel: 410-887-4500



## Baltimore County

*James T. Smith, Jr., County Executive*  
*John J. Hohman, Chief*

County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 14, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: September 13, 2004

Item No.: 108, 116-119, 122-124, 128 & 129

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK  
Fire Marshal's Office  
PHONE 887-4881  
MS-1102F

cc: File

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)

Robert L. Ehrlich, Jr., *Governor*  
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*  
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 9.13.04

Ms. Kristen Matthews  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 129 JRF

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Acting Chief  
Engineering Access Permits Division

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.marylandroads.com](http://www.marylandroads.com)

10/4 AV Robin Full

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

TO: Tim Kotroco

FROM: John D. Oltman, Jr

OCT - 6 2004

DATE: October 6, 2004

ZONING COMMISSIONER

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of September 13, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-108  
04-117  
04-118  
04-119  
04-121  
04-122  
04-123  
04-124  
04-126  
04-128  
04-129

Reviewers: Sue Farinetti, Dave Lykens

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director  
Department of Permits and  
Development Management

**DATE:** September 30, 2004

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**SUBJECT:** 315 Stonecastle Road

**INFORMATION:**

**Item Number:** 5-129

**Petitioner:** Beth Elaine Tracey

**Zoning:** DR 5.5

**Requested Action:** Administrative Variance

**SUMMARY OF RECOMMENDATIONS:**

The subject administrative variance is requested to retain a 24-foot diameter above ground pool on a corner lot, and a 6-foot high fence in lieu of the maximum permitted 42" in height.

The Office of Planning requests that a variance hearing be held in this matter. This office does not oppose the retention of the existing pool provided the following conditions are met:

1. Relocating the 6-foot high fence 5 feet from the curb line to provide a planted landscaped buffer between the pool and the neighboring residences.
2. Submit a landscape plan (including an elevation drawing of the fence) to Avery Harden, County Landscape Architect that shows a wood fence 5 feet from the property line, and a planted landscape strip on the Hohe Court side of the fence.

For further information concerning the matters stated herein, please contact Diana Itter at 410-887-3480.

Prepared by: Mark A. Cunningham

Division Chief: John J. Zuber

AFK/LL:MAC:

RECEIVED FOR FILING

11/22/04

Ray

File

September 23, 2004

Baltimore Co. Dept. of Permits and Development Mgmt.  
C/O Tim Kotroco  
111 W. Chesapeake Avenue  
Room 111  
Towson, MD 21204

RE: Case #05-129-A, 315 Stonecastle Road, Reisterstown, MD

Dear Mr. Kotroco;

It has come to my attention that a zoning variance application has been filed for 2 separate issues at 315 Stonecastle Road, Reisterstown, MD 21136, Case #05-129-A. This letter is to inform the Zoning Commission that I am opposed to the property line set back variance.

I am asking the commission to please abide by the current Baltimore County Fence Regulation protocol, specifically Zone Code BCZR 427 – Residential Fences.

I am very concerned with this zoning variance case because I am the neighbor of 315 Stonecastle Road and I feel this will affect me immensely.

Sincerely,

*Don T. Hagenwiesche*

Don T. Hagenwiesche  
4 Hohe Court  
Reisterstown, MD 21136  
410/526-5330

RECEIVED

SEP 27 2004  
04-3382

DEPT. OF PERMITS AND  
DEVELOPMENT MANAGEMENT

RECEIVED

NOV 29 2004

ZONING COMMISSIONER

November 23, 2004

Mr. John V. Murphy -Deputy Zoning Commissioner  
Zoning Commissioner's Office  
401 Bosley Avenue Room 405  
Towson Maryland 21204

Reference: Case #05-129-A

Mr. Murphy,

I Beth Tracey have agreed to the fence proposal that Mr. Don Hagewiesche presented at the hearing. The fence running along the right front and side of the Hagewiesche's yard will be 7 feet off the survey property marker nearest to the sidewalk, and will decrease in footage the closer it gets to the survey marker at the back right corner of my property. Please see the attached diagram which was presented at the hearing. I will continue to maintain the property which is not fenced in, therefore at this time there is no need for an Adverse Possession to be filed.

Sincerely,

*Beth Tracey*  
Beth Tracey

Don Hagewiesche

*Don Hagewiesche*

ORDER RECEIVED FOR FILING

11/29/04

Ray

CASE NAME 315 Stonecastle Ave  
CASE NUMBER 05-129-A  
DATE 11/15/04

**PETITIONER'S SIGN-IN SHEET**

[illegible]

CASE NAME 315 Stonycastle Ave  
CASE NUMBER 05-129-A  
DATE 11/15/04

# CITIZEN'S SIGN-IN SHEET

[illegible]

**Department of Permits and  
Development Management**

Development Processing  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204



**Baltimore County**

*James T. Smith, Jr., County Executive*  
*Timothy M. Kotroco, Director*

October 15, 2004

Beth Elaine Tracey  
315 Stonecastle Avenue  
Reisterstown, MD 21136

Dear Ms. Tracey:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-129-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand or the zoning commissioner is requiring a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Jun Fernando at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

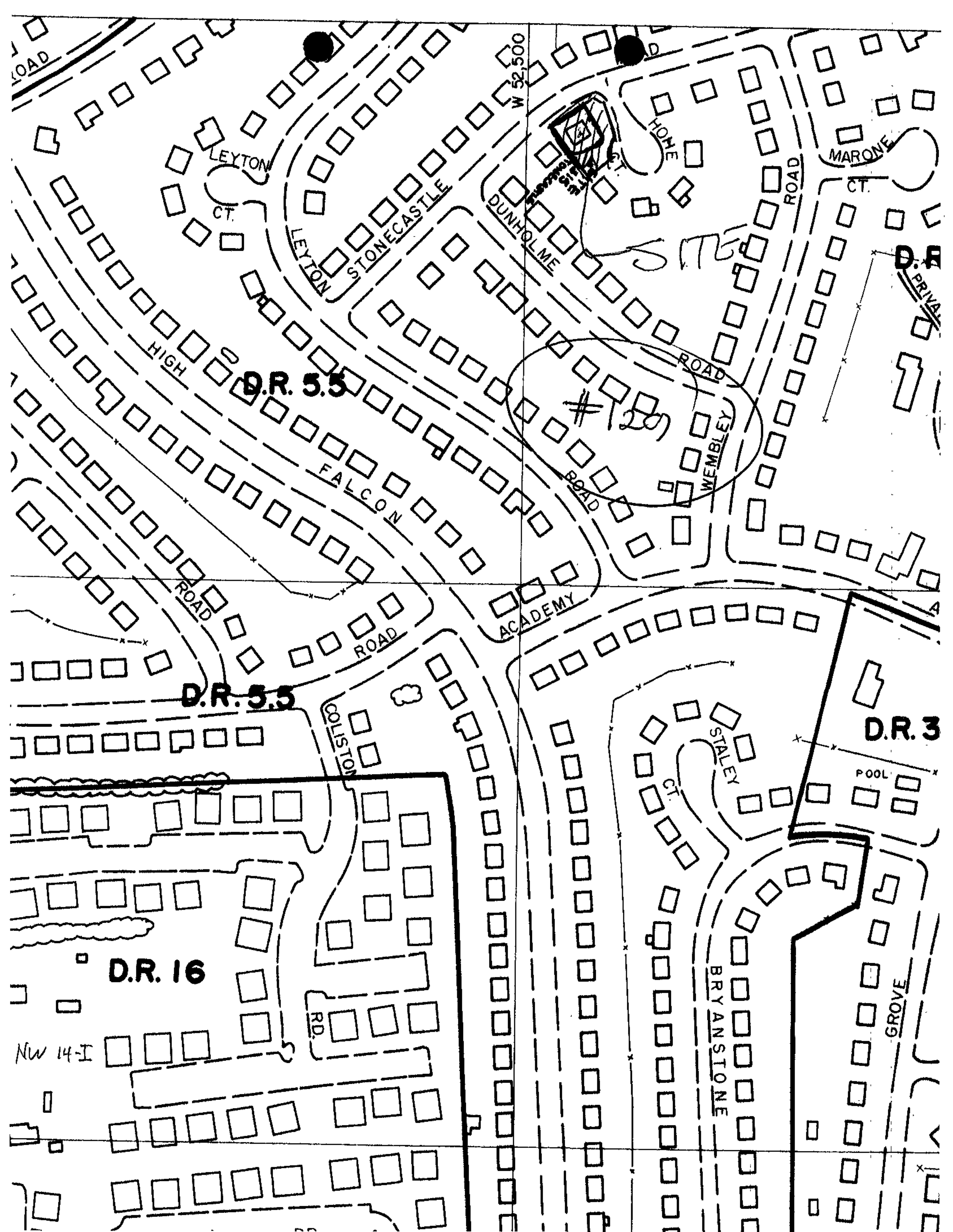
W. Carl Richards, Jr.  
Supervisor  
Zoning Review

WCR:klm

C: Don T. Hagewiesche, 4 Hohe Court, Reisterstown 21136

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





ROAD

LEYTON

CT.

LEYTON

STONECASTLE

DUNHOLME

HONE

MARONE

CT.

D. PRIVATE

HIGH

D.R. 5.5

FALCON

ROAD

ROAD

ACADEMY

ROAD

WEMBLEY

D.R. 5.5

COLSTON

D.R. 16

NW 14-I

RD.

D.R. 3

POOL

STALEY

CT.

BRYANSTONE

GROVE

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

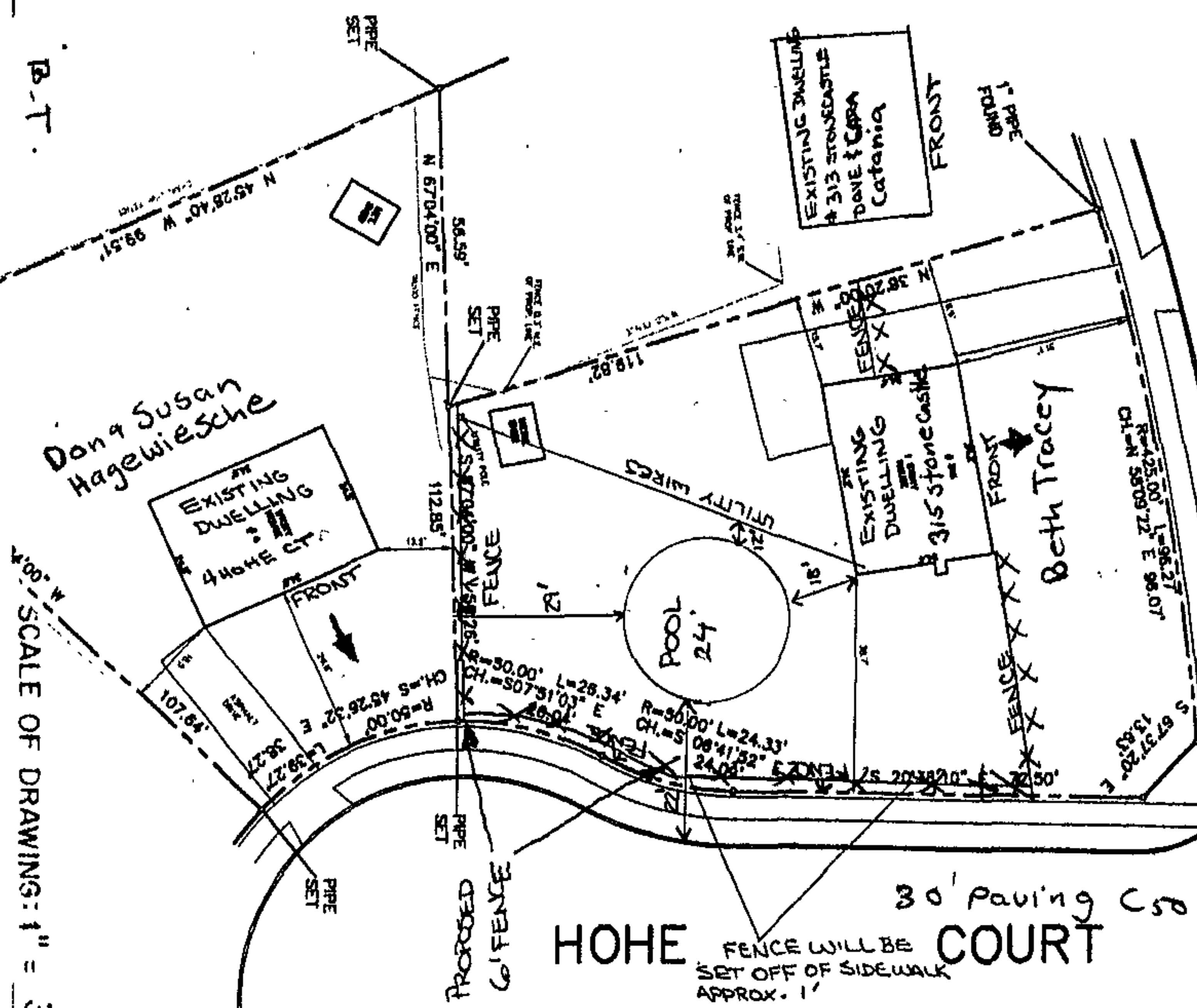
PROPERTY ADDRESS 315 STONECASTLE AVENUE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME SUBURBIA

PLAT BOOK # 29 FOLIO # 58 LOT # 14 SECTION # 3

OWNER BETH ELAINE TRACEY

**STONECASTLE AVENUE**  
50' P/W C 30' PAVING

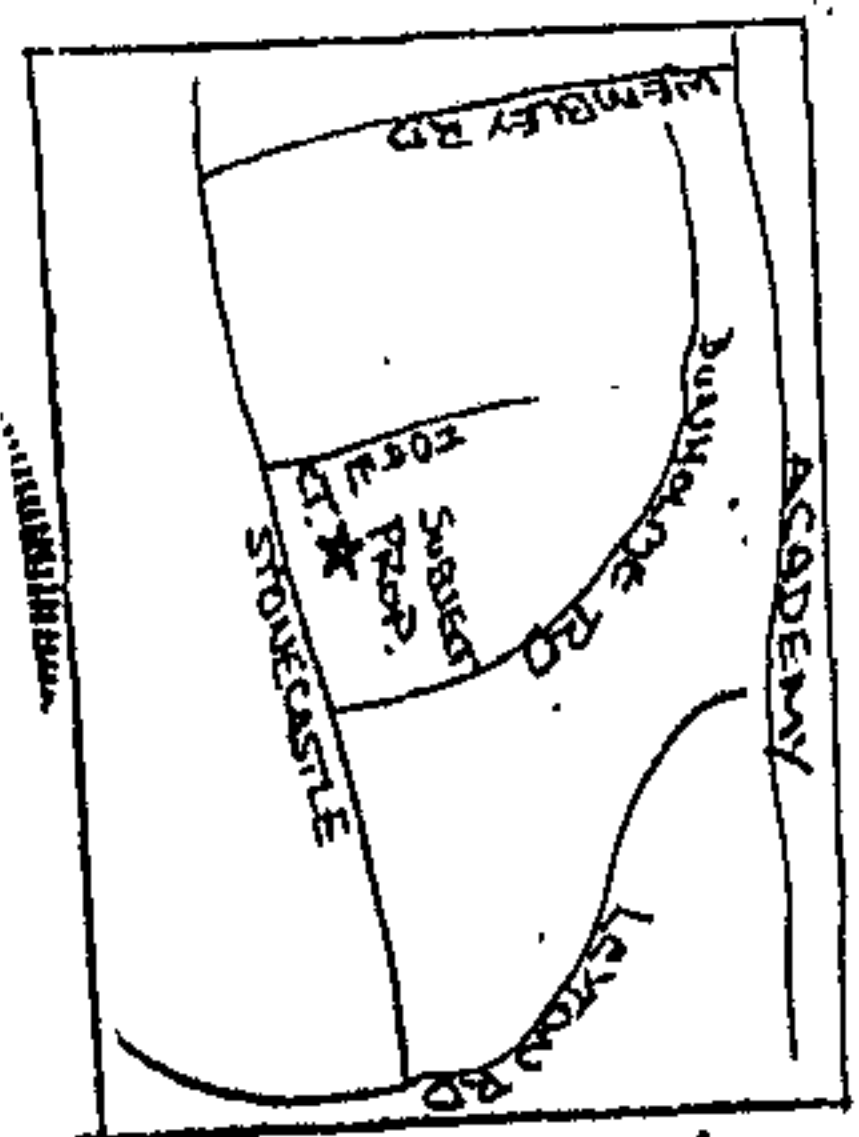


PREPARED BY B-T

SCALE OF DRAWING: 1" = 30'



VICINITY MAP  
SCALE: 1" = 1000'



## LOCATION INFORMATION

ELECTION DISTRICT 4th

COUNCILMANIC DISTRICT 2nd

1" = 200' SCALE MAP # NW 14-T

ZONING DR 5.5

LOT SIZE 10,626 SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ WATER ☒

RESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY  
REVIEWED BY ITEM # 5F CASE # 129 OS-129-A

Pet. 2A-2G

